

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

2007 JUN 26 A 8:40

UNITED STATES OF AMERICA

v. RICHARD W. WIEKING
 CESAR MACEDO-ESTRADA CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.J.

E-FILING
CRIMINAL COMPLAINT

CASE NUMBER:

07 70371 PVT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 21, 2007 in Santa Clara county, in the

Northern District of California defendant(s) did, (Track Statutory Language of Offense)

after being deported, illegally reenter the United States and was found in the United States without obtaining the permission of the U.S. Attorney General or the Secretary of Homeland Security,

in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) ICE Special Agent and that this complaint is based on the following

facts:

Please see attached affidavit

Penalties: 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

No bail warrant requested

Continued on the attached sheet and made a part hereof: Yes No

Approved
As To
Form:

AUSA: SUSAN KNIGHT

Sworn to before me and subscribed in my presence,

Date

Honorable Patricia V. Trumbull
United States Magistrate Judge

Name & Title of Judicial Officer

This form was electronically produced by Elite Federal Forms, Inc.

at San Jose, CA

City and State

Signature of Judicial Officer

RE: MACEDO-Estrada, Cesar

A98-438-849

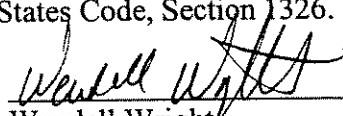
I am a Special Agent ("SA") with the United States Immigration and Customs Enforcement (ICE) and have been so employed since September of 2002. I am currently assigned to the Assistant Special Agent in Charge San Jose Office (ASAC-San Jose). I am currently assigned to the Work Site Enforcement Unit within the Office of Investigations in San Jose, California. I am responsible for enforcing federal criminal statutes as well as statues relating to U.S. Customs and Immigration Law. I have received training and actual experience relating to Federal Criminal Procedures, Federal Statutes, U.S. Customs and U.S. Immigration regulations. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigation Training Program and the United States Customs Officer Basic Enforcement School, in Brunswick, Georgia. Prior to becoming a Special Agent, I served as a U.S. Customs Inspector for 10 years. I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) MACEDO-Estrada, Cesar (MACEDO), is a 37-year-old male who has used ten (10) aliases in the past.
- (2) MACEDO has been assigned an Alien Registration Number of A98-438-849, an FBI Number of 975460PA0, and a California Criminal Information Index (CII) Number of A09360692.
- (3) MACEDO is a native of Mexico and a citizen of Mexico. A check through Service records shows that he was arrested and deported twice from the United States, on December 22, 2006 from Otay Mesa, California and on March 8, 2005 from Eloy, Arizona.
- (4) MACEDO last entered the United States on or around San Ysidro, California, on or an unknown date in April 2007, by crossing the international border without inspection subsequent to deportation/removal.
- (5) On June 21, 2007, MACEDO was found in Santa Clara County in the Northern District of California, pursuant to an arrest by Immigration and Customs Enforcement agents. MACEDO was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General, in violation of Title 8, United States Code, Section 1326. I have reviewed MACEDO's Alien File and found a Notice and Order of Expedited Removal (I-860) and an executed Notice to Alien Being Removed/Departure Verification (I-296). I, along with Special Agent D. Sanchez, interviewed MACEDO on June 21, 2007. We advised him of his Miranda rights and MACEDO gave a sworn statement attesting his prior deports/removals and that he was born in Mexico City, Mexico on April 4, 1970 and is a citizen of Mexico.
- (6) On June 25, 1992, MACEDO was convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of Possession/Purchase of Cocaine Base for Sale, in violation of Section 11351.5 of the California Health and Safety Code.

RE: MACEDO-Estrada, Cesar

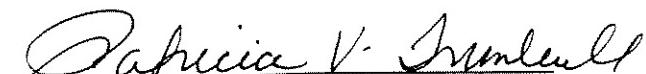
A98-438-849

- (7) There is no record in the official file of the United States Immigration and Naturalization Service that MACEDO ever applied to the Attorney General to re-enter the United States after deportation. Furthermore, MACEDO admitted during a sworn statement to have re-entered the United States without the permission of the Attorney General.
- (8) Special Agent R. Concha, who is certified by the Federal Bureau of Investigation in Fingerprint Comparison, tentatively matched fingerprints taken at the time MACEDO's June 21, 2007 arrest with copies of fingerprints taken when MACEDO was last removed from the United States on March 8, 2005. A conclusive fingerprint determination will be made upon receipt of the MACEDO's original A-file records from the Immigration and Naturalization Service National Records Center.
- (9) On the basis of the above information, there is probable cause to believe that MACEDO is in the United States in violation of Title 8, United States Code, Section 1326.



Wendell Wright
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn to before me this 26 day of June, 2007



Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE